UNITED
NATIONS

S

Security Council

Distr.
GENERAL

S/1999/38
13 January 1999

ORIGINAL: ENGLISH

REPORT BY THE SECRETARY-GENERAL CONCERNING THE CREDENTIALS OF THE ALTERNATE REPRESENTATIVES OF CANADA ON THE SECURITY COUNCIL

Pursuant to rule 15 of the provisional rules of procedure of the Security Council, the Secretary-General wishes to report that he has received a letter dated 5 January 1999 from the Permanent Representative of Canada to the United Nations stating that Ms. Barbara Gibson and Ms. Ann Flanagan have been appointed alternate representatives of Canada on the Security Council for the month of February 1999.

In the opinion of the Secretary-General, that communication constitutes adequate provisional credentials.

99-00764 (E) 130199

UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1999/39
15 January 1999
ENGLISH
ORIGINAL: ENGLISH, FRENCH AND RUSSIAN

Canada, France, Germany, Italy, Netherlands, Russian Federation, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

The Security Council,

Recalling all its earlier relevant resolutions, in particular its resolutions 779 (1992) of 6 October 1992, 981 (1995) of 31 March 1995, 1147 (1998) of 13 January 1998, and 1183 (1998) of 15 July 1998,

Having considered the report of the Secretary-General of 6 January 1999 (S/1999/16) on the United Nations Mission of Observers in Prevlaka (UNMOP),

Recalling also the letters of the Prime Minister of the Federal Republic of Yugoslavia of 24 December 1998 (S/1998/1225) and of the Permanent Representative of Croatia of 7 January 1999 (S/1999/19), concerning the disputed issue of Prevlaka,

Reaffirming once again its commitment to the independence, sovereignty and territorial integrity of the Republic of Croatia within its internationally recognized borders,

Noting once again the Joint Declaration signed at Geneva on 30 September 1992 by the Presidents of the Republic of Croatia and the Federal Republic of Yugoslavia, in particular Articles 1 and 3, the latter reaffirming their agreement concerning the demilitarization of the Prevlaka peninsula,

Noting with concern, however, that long-standing violations of the demilitarization regime by both parties continue, including the standing presence of Yugoslav military personnel and the occasional presence of Croatian military elements in the demilitarized zone, and limitations placed on the free movement of United Nations military observers by both parties,

Welcoming in this regard the recent lifting of certain restrictions on access for UNMOP by Croatia as well as the recent steps taken by the Croatian authorities to improve communication and coordination with UNMOP to allow the mission to monitor more effectively the situation in its area of responsibility,

Welcoming also the Croatian willingness to open crossing points between Croatia and the Federal Republic of Yugoslavia (Montenegro) in the demilitarized zone, which has led to considerable civilian traffic in both directions and which represents a significant confidence-building measure in the normalization of relations between the two parties, and expressing the hope that further such openings will help to increase such civilian traffic,

Noting with approval the continuing bilateral negotiations between the parties pursuant to the Agreement on Normalization of Relations between the Republic of Croatia and the Federal Republic of Yugoslavia of 23 August 1996 (S/1996/706, annex), but expressing serious concern that such negotiations have not yet resulted in any substantive progress towards a settlement of the disputed issue of Prevlaka,

Reiterating its call upon the parties urgently to put in place a comprehensive demining programme,

Noting that the presence of the United Nations military observers continues to be essential to maintain conditions that are conducive to a negotiated settlement of the disputed issue of Prevlaka,

1. Authorizes the United Nations military observers to continue monitoring the demilitarization of the Prevlaka peninsula, in accordance with resolutions 779 (1992) and 981 (1995) and paragraphs 19 and 20 of the report of the Secretary-General of 13 December 1995 (S/1995/1028*), until 15 July 1999;

2. Welcomes the improvement in cooperation between the Republic of Croatia and the Federal Republic of Yugoslavia and the United Nations military observers and the decrease in the number of serious incidents, and reiterates its calls upon the parties to cease all violations of the demilitarization regime in the United Nations designated zones, to take steps further to reduce tension and improve safety and security in the area, to cooperate fully with the United Nations military observers and to ensure their safety and full and unrestricted freedom of movement;

3. Requests the Secretary-General, in the light of the improved cooperation and reduction in tensions in Prevlaka as described in his report, to consider possible reductions, without prejudice to the main operational activities of UNMOP, focusing on the possibility of reducing the number of military observers to as few as 22, in line with the reconsideration of the concept of operations of UNMOP and the existing security regime and the desirability of closing the mission when appropriate;

4. Further requests the Secretary-General to submit a report by 15 April 1999 on the progress of bilateral negotiations between the parties, as well as on possible ways to facilitate a negotiated settlement, should the parties require such assistance, and to this end requests the parties to report at least bi-monthly to the Secretary-General on the status of the negotiations;

5. Urges once again that the parties abide by their mutual commitments and implement fully the Agreement on Normalization of Relations, and stresses in particular the urgent need for them to fulfil rapidly and in good faith their

commitment to reach a negotiated resolution of the disputed issue of Prevlaka in accordance with article 4 of the Agreement;

6. Requests the United Nations military observers and the multinational stabilization force authorized by the Council in resolution 1088 (1996) of 12 December 1996 and extended by resolution 1174 (1998) of 15 June 1998 to cooperate fully with each other;

7. Decides to remain seized of the matter.

UNITED
NATIONS

S

Security Council

Distr.
GENERAL

S/1999/40
14 January 1999
ENGLISH
ORIGINAL: ARABIC

IDENTICAL LETTERS DATED 14 JANUARY 1999 FROM THE CHARGÉ D'AFFAIRES A.I. OF THE PERMANENT MISSION OF KUWAIT TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL AND TO THE PRESIDENT OF THE SECURITY COUNCIL

On instructions from my Government, I have the honour to draw your attention to an article written by Tariq Aziz, Deputy Prime Minister of Iraq, and published in the Iraqi newspaper Al-Thawrah. In his article, Mr. Aziz states the following:

> "Kuwait is an entity that was established by the United Kingdom with a view to containing Iraq and denying it access to its historical coasts, which have always been part of its territory, from the Sumerian era right up to the Ottoman Empire, the last power to occupy Iraq and the region before the establishment of the modern entity of Iraq in 1921."

In the same article, the Iraqi Deputy Prime Minister referred to the memorandum that Iraq sent the Secretary-General of the League of Arab States in July 1990, a few days before the aggression against and occupation of the State of Kuwait in violation of the Charter of the United Nations, the rules of international law and the Charter of the League of Arab States.

You are surely aware that Mr. Aziz's article is a tissue of lies that distorts historical facts recognized throughout the Arab world and by the international community, namely that Kuwait is a State with historical boundaries that were recognized before the establishment of Iraq as a political entity in 1921.

Even more serious, this article constitutes a complete repudiation by a senior Iraqi official responsible for foreign affairs, of all of Iraq's obligations under the Security Council resolutions that have been adopted since its aggression against the State of Kuwait. Iraq accepted those resolutions without any reservations or conditions, in particular Council resolution 687 (1991) of 8 April 1991 on a ceasefire, which set forth all of Iraq's obligations in the aftermath of its aggression against the State of Kuwait, and Council resolution 833 (1993) of 27 May 1993 on the demarcation of boundaries, which was accepted by Iraq without any conditions or reservations, ratified in accordance with Iraqi constitutional procedure and published in the Official Gazette in November 1994.

Moreover, the article in question is yet another example of Iraq's usual practice of reneging on obligations accepted without any conditions or reservations. This proves that Iraq has not abandoned its expansionist designs in its foreign policy and its relations with its neighbours, particularly the State of Kuwait.

The article constitutes a threat to the peace and security of the region and is likely to exacerbate the instability currently felt by the States of the region. We therefore request you, in accordance with the Charter of the United Nations, to condemn this stance by a high-ranking Iraqi official and to reaffirm the facts that have been established in the many Security Council resolutions on the subject.

I am transmitting herewith the full text of the article in question, as published by the Iraqi newspaper Al-Thawrah, and request that you bring it to the attention of the members of the Council and that you have this letter and its annex circulated as a document of the Security Council.

(Signed) Mansour AL-OTAIBI
Chargé d'affaires a.i.

Annex

Front-page article published on 10 January 1999 in issue No. 9674 of the Iraqi newspaper Al-Thawrah

"Who should apologize to whom?"

by Tariq Aziz

So as not to have to condemn the criminal aggression perpetrated by the United States of America and the United Kingdom against Iraq, and not to heed the call of the Arab masses, particularly the active forces that are calling for the lifting of the embargo against Iraq, and as part of the campaign to obfuscate the main issue and lay all the blame on the political leadership of Iraq, certain Arab circles are asking Iraq to apologize for its occupation of Kuwait and express its regrets in order to pave the way for inter-Arab reconciliation. According to those who support this initiative, the Arab countries will ask the Security Council to lift the embargo, in accordance with "international legality" and within the framework of the implementation of Security Council resolutions.

The advocates of this initiative, and by "advocates" I mean those who have since 1990 supported the American-Zionist plot to destroy Iraq and take control of the region, show their contempt for ancient and recent history and believe that they can thus deceive the masses by obscuring the crux of the problem faced by the Arab world as a result of American-Zionist attempts to gain hegemony, of which the events of 2 August 1990 were only one stage.

The same circles are also endeavouring to convince Arab public opinion that one Arab party was deeply wronged and that the only means of redressing that wrong would be for Iraq to apologize and express its regrets.

Those who have distorted reality from 1990 to this day are attempting to cover up their own crime, which consisted in participating, in word and in deed, in aggression against Iraq and in the American-Zionist military, economic and political domination of the region. In their logic, those circles do not believe that Arab public opinion, especially its conscious elements, and the enlightened elements of international opinion will realize the true motives for this campaign. The question that must be asked is this: are the leaders of Kuwait victims or criminals responsible for premeditated aggression against Iraq? Are they the leaders of an Arab entity similar to all other entities or are they the minions of the United Kingdom and the United States, whose mission is to contain and weaken Iraq? There are historical truths that cannot be contradicted by superficial allegations. These truths go back to the nineteenth century and the beginning of the twentieth and irrefutably prove that Kuwait is an entity that was established by the United Kingdom with a view to containing Iraq and denying it access to its historical coasts, which have always been part of its territory, from the Sumerian era right up to the Ottoman Empire, the last power to occupy Iraq and the region before the establishment of the modern entity of Iraq in 1921.

The crimes of the Kuwaiti leaders began the day that Mubarak Al-Sabah, the forebear of the current leaders of Kuwait, murdered his brothers, Muhammad and Jarah, with the complicity of the British with whom he had signed a secret agreement in 1899 that allied Kuwait with the United Kingdom against the Ottoman State, which at the time controlled Kuwait, a governorate of Basra province.

President Saddam Hussein is not the only Iraqi leader to have cited these truths. The current Iraqi leadership is not the only one to state that Kuwait was established to contain Iraq in order to make it an enclave and weaken it militarily and economically. All those who have been in power in Iraq since 1921 have said this, beginning with Faisal I, Ghazi ibn Faisal, Faisal ibn Ghazi ibn Faisal, Nuri Said, Yasin Al-Hashemi, Tawfiq Al-Suwaydi and others who held high-ranking posts until 14 July 1958. The leaders of Iraq when the country was a kingdom were, like certain modern Arab leaders, on friendly terms with the United Kingdom and the United States. Nevertheless, they were not unaware of these realities. Since 14 July 1958, Iraqi leaders have continually reaffirmed Iraq's position.

Which of all those leaders should apologize to Kuwait? Should dead leaders come back to life to apologize to the descendants of Mubarak Al-Sabah, his brothers' murderer, and congratulate them on having linked the fate of part of the Iraqi nation to the United Kingdom in order to make it a British and later an American base for hatching plots against Iraq with a view to weakening it?

In addition to the historical truths concerning the end of the nineteenth century and the beginning of the twentieth, how did the Kuwaiti leaders behave before the events of August 1990?

On 15 July 1990, a memorandum was sent to the Secretary-General of the League of Arab States warning him of the behaviour of the Kuwaiti leaders and their hostile designs against Iraq. Here are a few excerpts:

> "We regret to inform you that the Kuwaiti Government is behaving towards us in way that completely contradicts the principles governing relations among the countries members of the Arab nation. In spite of our fraternal and sincere attitude towards them in all respects, and in spite of our readiness to engage in a dialogue at any time, the Kuwaiti officials are taking a position that is harmful to Iraq and seeks to weaken it just as it is emerging from a bloody eight-year war that all Arabs - leaders, intellectuals and citizens, including the heads of the Gulf States - agree that Iraq waged in order to defend the sovereignty of the entire Arab nation, particularly the Gulf States, including - and especially - Kuwait. The Kuwaiti Government's policy to weaken Iraq, which is faced with a virulent American-Zionist campaign owing to its nationalist positions in defence of Arab rights, is motivated by selfish considerations, a narrow vision and goals about which the least one can say is that they are suspect and dangerous."

The memorandum then describes the machinations of Kuwaiti leaders who sought to harm Iraq in this regard.

1. Question of boundaries:

Excerpt from the memorandum: "Everyone knows that, since the colonial era and the partition of the Arab nation, the question of the demarcation of the boundaries between Iraq and Kuwait has remained unresolved and the contacts begun in the 1960s and 1970s did not settle the issue up to the outbreak of the war between Iraq and Iran, which lasted for many long years and, while the valiant sons of Iraq were shedding their blood on various fronts to defend Arab land, including Kuwait, and to uphold Arab sovereignty and dignity, including that of Kuwait, the Kuwaiti Government took advantage of the fact that Iraq was busy defending the Arab nation, in order to carry out a premeditated plan involving the progressive annexation of Iraqi territory through the establishment of military posts, oil infrastructures and farms.

We have chosen to remain silent about all this and have simply alluded to it within the framework of the principles of brotherhood which, we thought, everyone believed in. The Kuwaiti Government, however, persisted in its behaviour, thus proving that it was engaged in a premeditated action.

After the liberation of Faw, we took the initiative, at the 1988 Algiers Summit, to inform the Kuwaiti party of our sincere intention to settle this issue in the context of fraternal relations and in the higher interests of the Arab nation. Imagine, then, our surprise when we learned that not only had the Kuwaiti leaders not welcomed this fraternal initiative but had done their utmost to delay contacts and consultations by inventing all sorts of obstacles. At the same time, they were continuing to construct oil-production facilities and set up military installations and farms on Iraqi territory.

UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1999/41
15 January 1999
ENGLISH
ORIGINAL: ARABIC

LETTER DATED 14 JANUARY 1999 FROM THE PERMANENT REPRESENTATIVE OF IRAQ TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

On instructions from my Government, I have the honour to transmit to you herewith the text of a statement issued on 14 January 1999 following a meeting of senior officials that was held under the chairmanship of Mr. Saddam Hussein, President of the Republic of Iraq, to consider developments relevant to the aggression committed by the United States and the United Kingdom against Iraq.

I should be grateful if you would have this letter and its annex circulated as a document of the Security Council.

(Signed) Nizar HAMDOON
Ambassador
Permanent Representative

99-00869 (E) 150199 150199

/...

Annex

Statement of 14 January 1999

The President and Leader, Mr. Saddam Hussein, chaired a meeting today, 14 January 1998, that brought together a number of leading officials. A spokesman for the meeting made the following statement:

The approach taken in addressing an issue with a view to resolving it honestly and fairly is important. If that approach is itself fair, then it is possible that subsequent measures and arrangements may also lead to a modicum of fairness. If the contrary is the case, however, there is nothing in terms of justice or fairness to be hoped from the advocates of such an attitude.

Iraq is thus of the view that any approach to a solution concerning Iraq and the other parties should include certain basic elements without which we would regard it, ab initio, as having purposes and objectives that are dishonourable and that offend truth and justice.

I

The double standards applied to all the original and subsequent issues with respect to which Iraq's compliance is sought should be abandoned. This applies to all without exception but primarily to those who committed the recent aggression against Iraq, namely the United States and the United Kingdom. The same requirements and commitments should be sought of the Zionist entity as have been sought of Iraq and the same measures and arrangements should be imposed on it as have been imposed on Iraq, particularly with regard to the usurped rights of the Arabs of Palestine and the other occupied Arab territories. This should be done in all cases on the basis of the norms of international law and precedent, not on the basis of a special formula under each separate rubric and for each particular party and not on the basis of the balance of influence and power in Security Council circles or elsewhere, without consideration for justice or fairness.

II

On the basis of these principles, it is our view that:

1. The embargo against Iraq, in all its forms, should be lifted immediately. What has thus far been achieved in connection with the so-called question of weapons of mass destruction is to be considered sufficient and as having met in full the obligations imposed on Iraq in circumstances that are well-known, although there are many countries in the region that possess these weapons. The Zionist entity, for example, possesses all types of such weapons as well as nuclear weapons, which are more dangerous and more lethal. What is forbidden to Iraq must be forbidden to all others without exception, and an immediate start should be made on applying the provisions of paragraph 14 of resolution 687 (1991) to the Zionist entity in the first place.

2. The matter of the compensation due to Iraq because of the aggression to which it was subjected at all stages of hostilities from 1991 to the present should be addressed as well as the question of that sought from Iraq by others on the basis of international law and international precedent, so each may receive his due.

3. It is unjust and unacceptable that Iraq should assume the costs of any of the activities of the United Nations. If any costs are to be apportioned, they must be borne by all the parties concerned.

4. All must respect the sovereignty, security and independence of Iraq in a responsible manner and must refrain from interfering in its internal affairs, first and foremost by eliminating the illegal no-flight zones in the north and south of the country.

UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1999/42
15 January 1999

ORIGINAL: ENGLISH

LETTER DATED 15 JANUARY 1999 FROM THE PERMANENT REPRESENTATIVE OF CROATIA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I should like to inform you that the Government of the Republic of Croatia has decided to keep the border crossing points Debeli Brijeg and Konfin on the international border between the Republic of Croatia and the Federal Republic of Yugoslavia in the area of Prevlaka, which were opened for All Saints and the 1998-1999 Christmas holiday season, open permanently.

The Republic of Croatia firmly believes that keeping the border crossing points Debeli Brijeg and Konfin open permanently is beneficial not only for the local population on both sides of the border, but that it will also have a positive effect on confidence-building and regional stability. Croatia's earlier decision to open these border crossing points and the ensuing civilian cross-border traffic, in both directions, during the period of All Saints and the 1998-1999 Christmas holiday season lends credence to this belief.

The Republic of Croatia further believes that keeping these border crossing points open permanently will contribute to facilitating and accelerating bilateral negotiations on the issue of Prevlaka

I should like to request your assistance in circulating the present letter as a document of the Security Council.

(Signed) Ivan ŠIMONOVIĆ
Permanent Representative

99-00899 (E) 150199

UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1999/43
15 January 1999

ORIGINAL: ENGLISH

LETTER DATED 15 JANUARY 1999 FROM THE PERMANENT REPRESENTATIVE OF ERITREA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to forward to you a press release issued on 15 January 1999 by the Ministry of Foreign Affairs of the State of Eritrea (see annex).

I should be grateful if you would kindly circulate the text of the present letter and its annex as a document of the Security Council.

(Signed) Haile MENKERIOS
Ambassador
Permanent Representative

99-00967 (E) 150199

/...

Annex

Press release dated 15 January 1999 from the Ministry of Foreign Affairs of Eritrea concerning Ethiopia's intention to unleash war

The Government of Eritrea issued a statement on 12 January 1999 warning of Ethiopia's planned attack against Eritrea. This warning was based on various indicators, including tangible activities on the ground, reports leaked by Western intelligence sources and the accounts of defecting Ethiopian soldiers, whose number is increasing each day.

However, in characteristic fashion, the Ethiopian Government is trying to deny these facts, accusing Eritrea of "drawing attention to a fictitious impending offensive". It has, moreover, resorted to well-known distortions to portray Eritrea as desirous of impeding the peace process being carried out by the Organization of African Unity (OAU). In reality, however:

1. It is Ethiopia which inexplicably declared, on 6 January 1999, that the "peace process has come to an end". This declaration was made despite the fact that the OAU High-Level Delegation remains seized of the border dispute in accordance with the decision of the Central Organ. Eritrea explicitly reaffirmed, in its letter of 18 December 1998, its desire to cooperate with OAU to promote the peace process already under way.

2. OAU has not "ascertained that Eritrea is the aggressor", as the Ethiopian statement falsely asserts. Paragraph 7 of the OAU proposal indeed reads: "In order to determine the origins of the conflict, an investigation should be carried out on the incidents of 6 May 1998 and any other incident prior to that date that could have contributed to a misunderstanding between the two Parties regarding their common border, including the incidents of July and August 1997". Eritrea has welcomed this proposal. But Ethiopia has been opposed to any investigation because it knows that it was the aggressor that launched the unprovoked attack on 6 May 1998 and the party that committed aggression in Bada and Badme in July 1997.

3. It was Ethiopia that escalated the armed clashes in Badme into a confrontation along the entire boundary between the two countries: declaring total war on 13 May 1998; launching an attack on the Zalambesa front on 31 May 1998; and carrying out the first air strike on Asmara on 5 June 1998.

4. Finally, Ethiopia has rejected the call for a cessation of hostilities, although this is the primary point in the OAU proposal as well as in United Nations Security Council resolutions.

Indeed, if Ethiopia has no intention of launching war, then it should have no qualms in agreeing to a cessation of hostilities, including a total ban on air strikes.

UNITED
NATIONS

S

Security Council

Distr.
GENERAL

S/1999/44
15 January 1999

ORIGINAL: ENGLISH

LETTER DATED 15 JANUARY 1999 FROM THE PERMANENT REPRESENTATIVE OF UKRAINE TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

The Government of Ukraine shares the concern, repeatedly expressed by the Security Council, over the escalating fighting in Sierra Leone. Furthermore, Ukraine supports the Security Council in its strong condemnation of all those who have given assistance, including through the supply of arms and mercenaries, to the rebels in Sierra Leone. In this context, the authorities of Ukraine have been seriously alarmed at the dissemination of information about the alleged identification of some mercenaries in Sierra Leone as nationals of Ukraine.

Since an explicit reference to the above allegations was made in the letter dated 6 January 1999 from the President of Liberia addressed to the President of the Security Council, which was subsequently distributed as a document of the Security Council (S/1999/17), upon instructions from the Government of Ukraine I would like to state the following.

In 1990, Ukraine signed the International Convention against the Recruitment, Use, Financing and Training of Mercenaries. It should be noted that the delegation of my country took the most active participation in the drafting of the above document within the relevant bodies of the United Nations. Since 1993, Ukraine has been a member of the group of nations which have ratified the Convention. Pending its entry into force, Ukraine has assumed and faithfully respected its obligation to refrain from any act which would defeat the object and purpose of the Convention.

Notwithstanding the fact that this international treaty has not yet entered into force, Ukraine has already taken a number of practical measures to prevent the recruitment, use, financing or training of mercenaries. In particular, in accordance with the criminal code of Ukraine, the recruitment, financing, material support or training of mercenaries as well as the participation without authorization of relevant government bodies in armed conflicts for the purpose of obtaining material compensation or other private gain are considered as criminal offences punishable by imprisonment for up to 12 years.

Regarding the information about the alleged identification of some mercenaries in Sierra Leone as nationals of Ukraine, thus far the competent

authorities of Ukraine have not received any evidence to this effect. Nor has it been confirmed in the recent special report of the Secretary-General on the United Nations Observer Mission in Sierra Leone (S/1999/20).

In this regard, the Ukrainian side would be grateful to any Government furnishing any proof related to participation of nationals of Ukraine in the conflict in Sierra Leone. Until these proofs are presented, the Ukrainian authorities are compelled to refute any such allegations as groundless, and urge States Members to refrain from dissemination of any unconfirmed information related to this matter in future.

I should be grateful if you would have the present letter circulated as a document of the Security Council.

(Signed) Volodymyr YEL'CHENKO
Ambassador
Permanent Representative of
Ukraine to the United Nations